

WILLIAM WINN, JAMES ROSS ET AL. }  
 vs. } SEPT. TERM, 1847.  
 ALBERT & WIFE, SAMUEL JONES ET AL. }

[SUPPLEMENTAL BILL—INJUNCTION—UNDUE PREFERENCE—VACATING DECREE.]

THE filing a supplemental bill is not a matter of course, but only by leave of the court, upon sufficient cause shown; and in a doubtful case the court may direct notice of the application to be given to the defendants who have appeared.

A new title, or new interest, may be set up by a supplemental bill, where the title relied upon in the original bill is sufficient to entitle the plaintiff to relief; but a confessedly bad title, thus relied upon, cannot be supported by a good title subsequently acquired, which is sought to be introduced by way of supplement.

THE plaintiffs in an original bill claimed title as grantees in a deed of trust for the benefit of the creditors of an insolvent debtor, and were afterwards appointed permanent trustees of the same debtor, under the insolvent laws. HELD, that they had a right to introduce their new title as such trustees by a supplemental bill.

IN cases of concurrent jurisdictions, that court which has first assumed control over the subject matter of controversy, ought to be entitled to retain it.

UPON a bill filed in this court, an injunction was granted, restraining the defendant, Jones, from giving, and the defendants, Albert and wife, from receiving, from said Jones, a preference over his other creditors. HELD, that proceedings *subsequently* instituted by Albert and wife, in Baltimore County Court, as a court of equity, and a decree thereby obtained, giving them such preference, were violations of said injunction, and that this court had a right to prohibit, by injunction, the execution of such decree, and to treat the same, with the proceedings by which it was obtained, as a nullity.

[On the 14th of September, 1846, Johns Hopkins and others, creditors of Samuel Jones, filed in this court their bill of complaint against Jones, Albert and wife, and one Michael S. Norman, in which it is alleged that Jones, being hopelessly insolvent, and knowing himself to be so, and being in fact under expectation of applying for the benefit of the insolvent laws, and designing and threatening to prefer certain of his creditors, his near relations, was about to convey a large portion of his property to his brother-in-law and sister, Albert and wife, with intent thereby to give to them an undue and improper preference over the rest of his creditors. The bill therefore prays for an